



VIA E-FILING & EMAIL

August 22, 2014

Hon. Katherine B. Forrest
United States District Judge
Southern District of New York
Daniel Patrick Moynihan United States Courthouse
500 Pearl St., Courtroom 15A
New York, NY 10007-1312

Re: *In re Puda Coal Securities Inc. et al. Litigation 11-cv-2598 (KBF)*

Plaintiffs' Co-Lead Counsel respectfully submits this letter to obtain clarification regarding Your Honor's July 10, 2014, Order concerning Plaintiffs' Motion to Enter Default Judgment as to defendants Puda Coal, Inc. ("Puda") and Ming Zhao ("Zhao") (the "Order"). Dkt. No. 398.

The Order provides that Puda and Ming Zhao shall appear at a hearing before the Court on October 3, 2014 at 4:00 P.M. (the "Hearing")¹ and show cause why default judgment should not enter against them. The Court scheduled the Hearing after Plaintiffs submitted their Motion to Enter Default Judgment ("Default Judgment Motion"). Plaintiffs' Default Judgment Motion was accompanied by the Report and Declaration of Peter W. Lert, Ph.D., CFA. (Dkt. No. 397-3). Dr. Lert's Report and the evidence contained in his Declaration (including the expert report of Professor Gregg A. Jarrell) provide the economic basis and damages analysis for the monetary amount of the requested judgment of \$236.7 million against Puda and Zhao.

With respect to the amount of the requested judgment, the Order states, in pertinent part:

"Plaintiffs shall also appear at the hearing, and shall further provide any additional documentation in support of their claim for \$236.7 million in monetary damages prior to the show cause hearing. This shall be plaintiffs' final opportunity to provide support for such claims."

Order at 2. Because the Order states that any additional documentation in support of Plaintiffs' damages claim shall be provided "prior to" the Hearing, but may also refer to the Hearing itself as Plaintiffs' final opportunity "to provide support" for the requested judgment, Plaintiffs

¹The original hearing date, September 3, 2014, was ultimately rescheduled to October 3, 2014. Dkt. No. 409.

respectfully seek clarification concerning whether the Court expects to hear live testimony at the Hearing² If the Court anticipates the presentation of live testimony at the Hearing, Plaintiffs will arrange for it. However, in the event that the Court determines (or has already determined) that it will not permit or does not require live testimony, Plaintiffs respectfully request that the Court notify Plaintiffs of such a determination so as to avoid unnecessary witness preparation and travel.

The date and time currently scheduled for the hearing, 4:00 p.m. on October 3, 2014, is hours before the start of Yom Kippur. Several of Plaintiffs' attorneys planned to leave work by mid-afternoon to eat an early dinner and otherwise prepare for a day of fasting and prayer starting at sundown. We therefore respectfully request that the hearing be adjourned until later in the month. Although Plaintiffs will appear on any date the Court selects, counsel and the witnesses (if needed) are available on the following dates in October: 23rd, 24th, 29th and 30th.

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "Laurence M. Rosen".

Laurence M. Rosen

² In light of the 4:00 p.m. hour scheduled for the Hearing, Plaintiffs initially believed that the Hearing would be conducted solely upon the papers. However, upon closer reading, Plaintiffs recognized that the Order was susceptible to a different interpretation.